

UNAPPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
FORMAL HEARING
OCTOBER 18, 2011

The Virginia Board of Funeral Directors and Embalmers convened on October 18, 2011, at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

**BOARD MEMBERS
PRESENT:** Michael J. Leonard, FSP
Robert B. Burger, Jr., FSP
Blair Nelsen, FSP
Randy T. Minter, FSP
Bob Omen, FSP
Eric Wray, FSP
Christopher Vincent, FSP
Junius Williams, Citizen Member
Walter Ball, Citizen Member

**DHP STAFF
PRESENT:** Lisa R. Hahn, Executive Director
Lynne Helmick, Executive Deputy Director
Kathy Truesdale, Discipline Operations Manager
Tammie Jones, Adjudication Specialist
Douglas Dressler, Senior Investigator

**MEMBERS FROM
THE OFFICE OF
THE ATTORNEY
GENERAL
PRESENT:** Amy Marschean, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Assistant Attorney General, OAG

OTHERS PRESENT: Edwin F. Brooks, Esq. – Counsel for Respondent
Raymond E. Spain, III – Virginia Embalming Company
Tom Huddleston – Virginia Embalming Company

COURT REPORTER: Sherelle A. Bradley, CR – Crane-Snead & Associates

CALL TO ORDER The Formal Administrative Hearing of the Board was called to order at 1:10 p.m.

**ESTABLISHMENT
OF A QUORUM:** With nine (9) members of the Board present, a quorum was established.

**MATTER
SCHEDULED:**

**Virginia Embalming Company, Funeral Establishment
Applicant
Case Number: 140319**

DISCUSSION:

Mr. Spain, owner of Virginia Embalming Company, appeared before the Board in accordance with the Notice and Statement of Particulars dated September 16, 2011, after having waived his right to an Informal Fact Finding Conference prior to the convening of this proceeding. Mr. Bland was represented by Edwin F. Brooks, Esq.

The Board received evidence and sworn testimony regarding the matters as set forth in the Statement of Particulars.

CLOSED SESSION:

Upon a motion by Mr. Burger, and duly seconded by Mr. Williams, the Board voted to convene a closed meeting pursuant to 2.2-3711.A(27) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Virginia Embalming Company at 2:24 p.m. Additionally, Mr. Burger moved that Ms. Hahn, Ms. Helmick, Ms. Marschean, and Ms. Truesdale attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

OPEN SESSION:

Upon a motion by Mr. Wray and duly seconded by Mr. Williams, the Board re-convened into open session at 3:37 p.m. Mr. Burger certified that the matters discussed in the preceding closed session met the requirements of 2.2-3712 of the *Code of Virginia*. All Board members certified and the Board announced their decision.

ACTION:

Upon a motion by Mr. Vincent, and duly seconded by Mr. Oman, the Board made certain Findings of Fact and Conclusions of Law and voted to approve the application for establishment licensure for Virginia Embalming Company.

VOTE:

A vote of five (5) to approve the application for licensure and four (4) to deny the application for licensure.

ADJOURNMENT:

The Board adjourned at 4:57 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Michael Leonard, FSP, Chair

Lisa R. Hahn, Executive Director

Date

Date